

HCA 1886 / 2019

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 1886 OF 2019

BETWEEN



15 OCT 2019

SECRETARY FOR JUSTICE

Plaintiff

and

PERSONS UNLAWFULLY AND WILFULLY
OBSTRUCTING OCCUPYING OR REMAINING
ON OR HINDERING OR PREVENTING THE
PASSING OR REPASSING OF THE PUBLIC
HIGHWAY, NAMELY THE PORTION OF PUBLIC
ROADS SHADED IN RED ON THE PLANS IN
ANNEX 1 TO THE WRIT OF SUMMONS HEREIN
ENCLOSING THE DISCIPLINED SERVICES
QUARTERS AND POLICE MARRIED QUARTERS
LISTED IN ANNEX 2 TO THE WRIT OF
SUMMONS HEREIN

1st Defendants

PERSONS CAUSING DAMAGE TO OR
TRESPASSING OR INTERFERING WITH THE
USE AND ENJOYMENT OF THE DISCIPLINED
SERVICES QUARTERS AND POLICE MARRIED
QUARTERS LISTED IN ANNEX 2 TO THE WRIT
OF SUMMONS HEREIN

2nd Defendants

Penal Notice

If you, the above-named 1st Defendants, PERSONS UNLAWFULLY AND WILFULLY OBSTRUCTING OCCUPYING OR REMAINING ON OR HINDERING OR PREVENING THE PASSING OR REPASSING OF THE PUBLIC HIGHWAY, NAMELY THE PORTION OF PUBLIC ROADS SHADED IN RED ON THE PLANS IN ANNEX 1 TO THE WRIT OF SUMMONS HEREIN ENCLOSING THE DISCIPLINED SERVICES QUARTERS AND POLICE MARRIED QUARTERS LISTED IN ANNEX 2 TO THE WRIT OF SUMMONS HEREIN, and the above-named 2nd Defendants, PERSONS CAUSING DAMAGE TO OR TRESPASSING OR INTERFERING WITH THE USE AND ENJOYMENT OF THE DISCIPLINED SERVICES QUARTERS AND POLICE MARRIED QUARTERS LISTED IN ANNEX 2 TO THE WRIT OF SUMMONS HEREIN, neglect to obey or comply with the Orders set out below, you may be held in contempt of Court and you may be sent to prison or fined or liable to process of execution to compel you to obey the Orders. Any person who assists any of the above-named Defendants in breaching the Orders set out below may also be held in contempt of Court and may be sent to prison or fined.

IMPORTANT NOTICE TO THE DEFENDANTS

1. This is a legal document. The consequences of ignoring are serious.
2. You should read the whole of this document carefully. You are advised to consult a solicitor as soon as possible. You have the right to apply to the Court for stay of execution or to appeal this Order.
3. If you disobey this Order you may be found guilty of contempt of Court and you may be sent to prison, fined and/or your assets may be seized.
4. If in doubt, you should enquire as soon as possible at the Registry of the Court issuing the document, namely LG1, High Court Building, 38 Queensway, Hong Kong.
5. You should also consider taking the advice of a solicitor or applying for legal aid.

BEFORE THE HONOURABLE MR JUSTICE CHOW IN CHAMBERS

ORDER

An application is made on the 14th day of October 2019 by Leading Counsel for the Plaintiff in this action to the Judge who has read the documents listed in Schedule 1 and accepted the undertakings in Schedule 2 at the end of this Order. After hearing this application, the Judge made the following Order:

IT IS ORDERED that:-

1. The 1st Defendants and each of them whether acting on his/her own or together with other person(s) be restrained from doing any of the following acts:-
 - (a) unlawfully and wilfully obstructing occupying or remaining on or hindering or preventing the passing or repassing of any road or passageway, whether vehicular or pedestrian, in the portion of public roads shaded in red on the plans attached to this Order as “Annex 1” (“**Quarters Area**”) enclosing or being adjacent to any Disciplined Services Quarters (“**DSQ**”) and Police Married Quarters (“**PMQ**”) (collectively “**Quarters**”) listed in “Annex 2” to this Order;
 - (b) inciting and/or aiding and/or abetting any person to do any of the acts identified in (a) above.
2. The 2nd Defendants and each of them whether acting on his/her own or together with other person(s) be restrained from doing any of the following acts:-

- (a) damaging or defacing any part of the Quarters including but not limited to its doors, gates, windows, external walls and closed circuit television cameras, whether by painting, writing, drawing or affixing any word or character thereat or otherwise howsoever;
 - (b) entering any part of the Quarters without prior authorisation by the Plaintiff or any resident thereat;
 - (c) interfering with the use and enjoyment of the Quarters by the residents thereat including but not limited to doing any of the following acts:-
 - (1) obstructing or preventing access to any of the entrances of the Quarters; and
 - (2) projecting light of such intensity and/or frequency that is capable of reducing a viewer's ability to see or producing any sensation of discomfort to any viewer onto any part of the Quarters by the use of laser source light, spot light, flash light or any other light emitting tool or equipment, whether directly or through a reflector;
 - (d) inciting and/or aiding and/or abetting any person to do any of the acts identified in (a), (b) and/or (c) above.
3. The bailiff do take all reasonable and necessary steps to effect the clearance and removal of any obstructions or interference provided for in paragraphs 1 and 2 of this Order.
4. The bailiff be authorised and directed to request the assistance of the Police where necessary.

5. Any police officer be authorised to arrest and remove any person who the police officer reasonably believes or suspects to be obstructing or interfering any bailiff carrying out his or her duties in enforcing the terms of this Order, provided that the person to be arrested has been informed of the gist of the terms of this Order and that his action is likely to constitute a breach of the Order and obstruction of the administration of justice, and that he may be arrested if he does not desist.
6. Without prejudice to the provisions of the Police Force Ordinance (Cap. 232) (including s.51 and s.52 thereof), any person so arrested by the Police shall be brought before the Court, under lawful or legal processes, as soon as practicable for further directions.
7. Leave to the Plaintiff to serve the Writ of Summons, this Order and the Inter Partes Summons for the Return Date on the Defendants by way of substituted service by:-
 - (a) fixing a copy of the Writ of Summons, this Order and the Inter Partes Summons for the Return Date securely in conspicuous places in the Quarters provided that only the plan depicting the Quarters Area for the particular Quarters needs to be affixed; and
 - (b) publishing a copy of the Writ of Summons, this Order and the Inter Partes Summons for the Return Date on the webpages of the Police as well as that of the Government of the Hong Kong Special Administrative Region.
8. Leave to serve and execute this Order within Hong Kong on a Sunday or public holiday.
9. This Order will remain in force up to and including Friday, 25 October 2019 (**“the Return Date”**) unless before then it is varied or discharged by a

further Order of the Court. The application in which this Order is made shall come back to the Court for further hearing on the Return Date.

10. Anyone who may be affected by and/or opposing this Order shall within 2 days from the date hereof notify the Plaintiff's solicitors and provide his/her name and address for service, upon receipt of which and upon payment of the usual photocopying charges the Plaintiff's solicitors shall forthwith serve a copy of the Writ of Summons, this Order, the Skeleton Submissions, the supporting Affirmation and the Inter Partes Summons for the Return Date on him/her.

10A. Liberty to anyone who may be effected by and/or oppose this Order to apply to vary or discharge the same upon notice given to the Plaintiff's solicitors;

11. Liberty to apply.

12. Costs be reserved.

Dated this 14th day of October 2019

Registrar

SCHEDULE 1

The Judge read the following documents before making this Order:

- (1) Writ of Summons with Indorsement of Claim
- (2) Draft Order
- (3) The draft Affirmation in support with exhibits
- (4) Skeleton submissions and authorities of the Plaintiff's Counsel

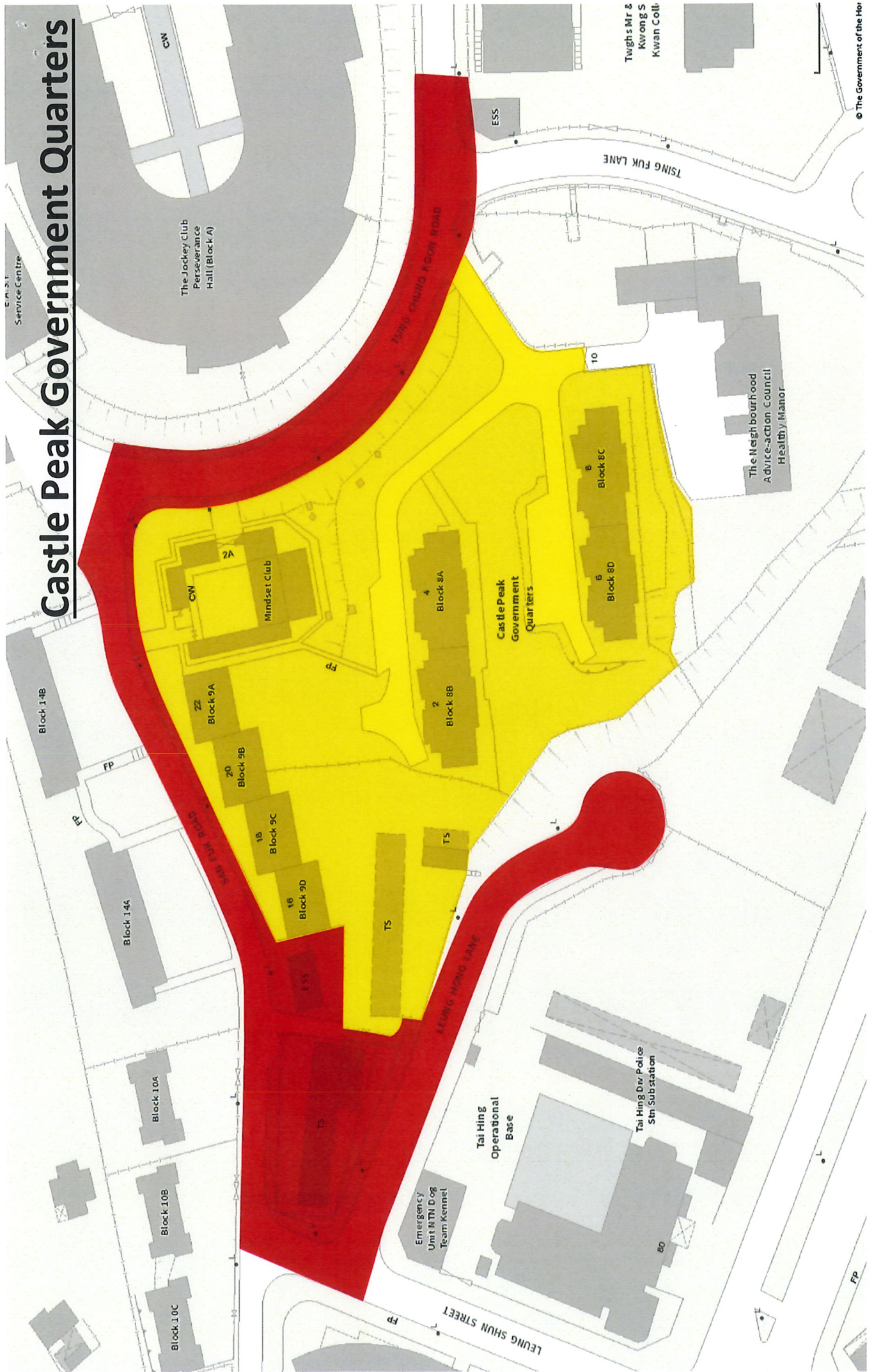
SCHEDULE 2

Undertaking given to the Court by the Plaintiff

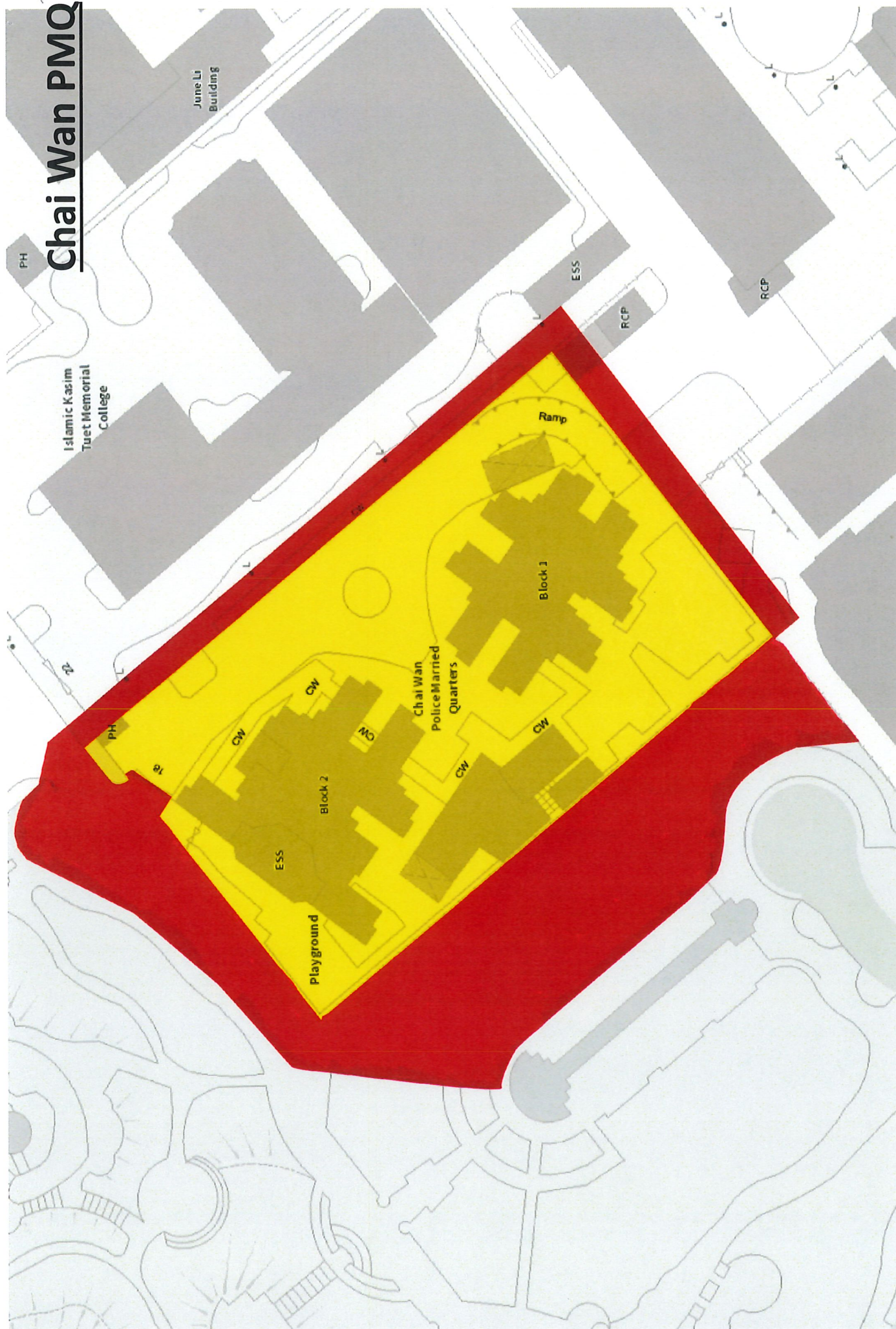
1. If the Court later finds that this Order has caused loss to the Defendants or to anyone of them or to any other party and decides that the Defendants or that other party should be compensated for that loss, the Plaintiff will comply with any order the Court may make.
2. The Plaintiff shall as soon as practicable issue and serve the writ and the Inter Partes Summons for the Return Date in accordance with paragraph 7 of this Order.
3. The Plaintiff shall as soon as practicable cause the Affirmation in support to be affirmed and filed within 2 days.

Annex 1

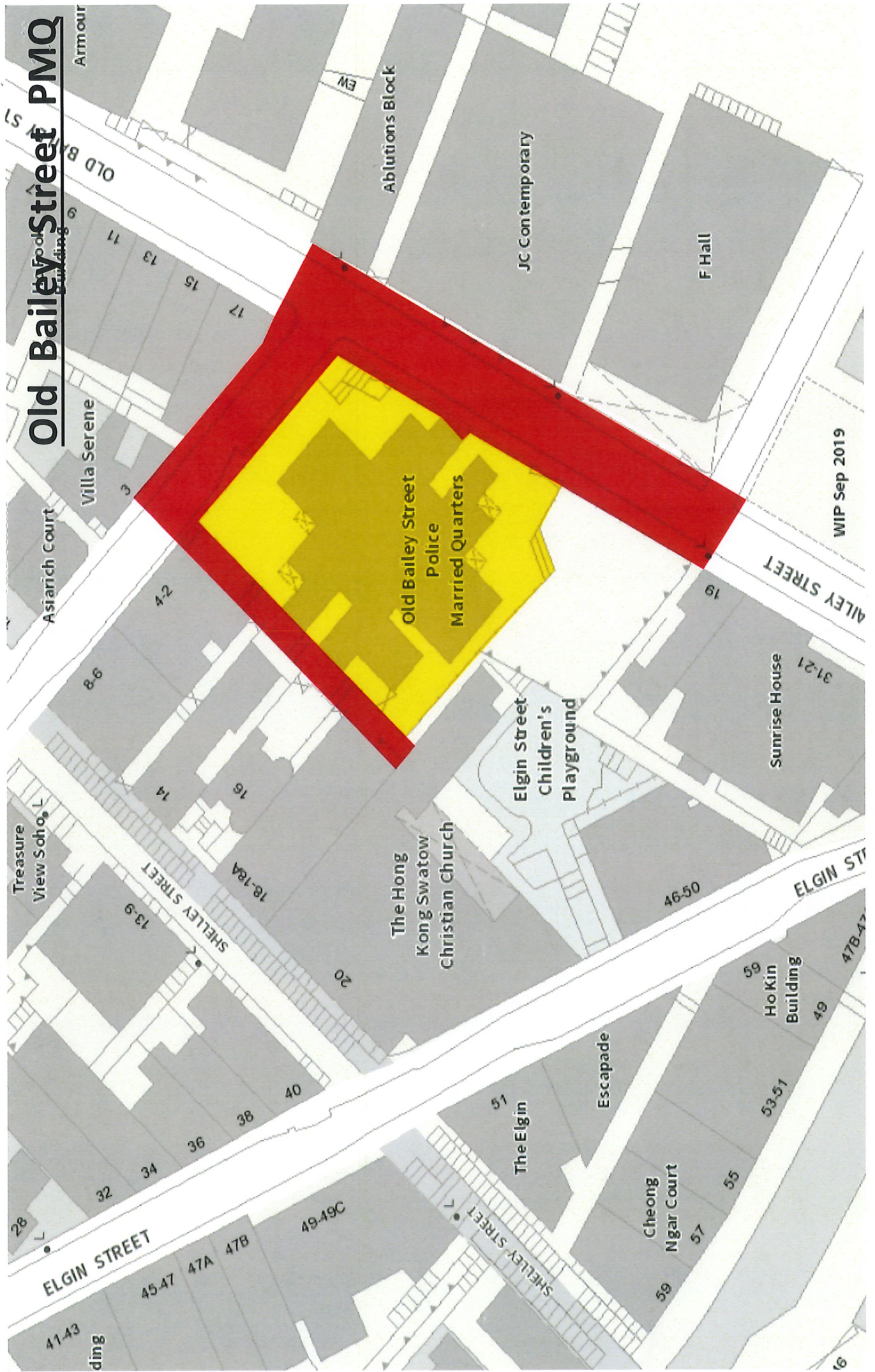
Castle Peak Government Quarters



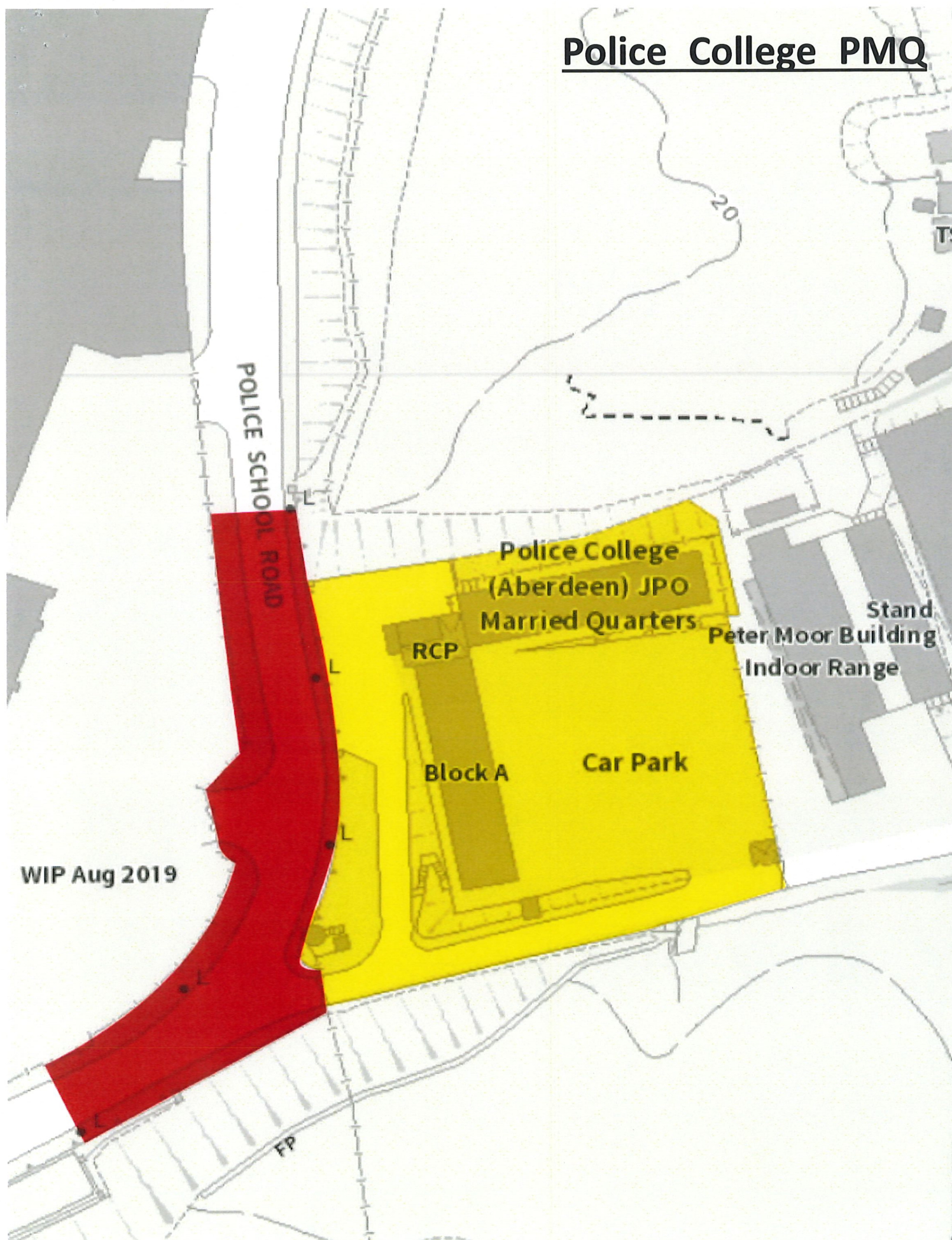
Chai Wan PMQ



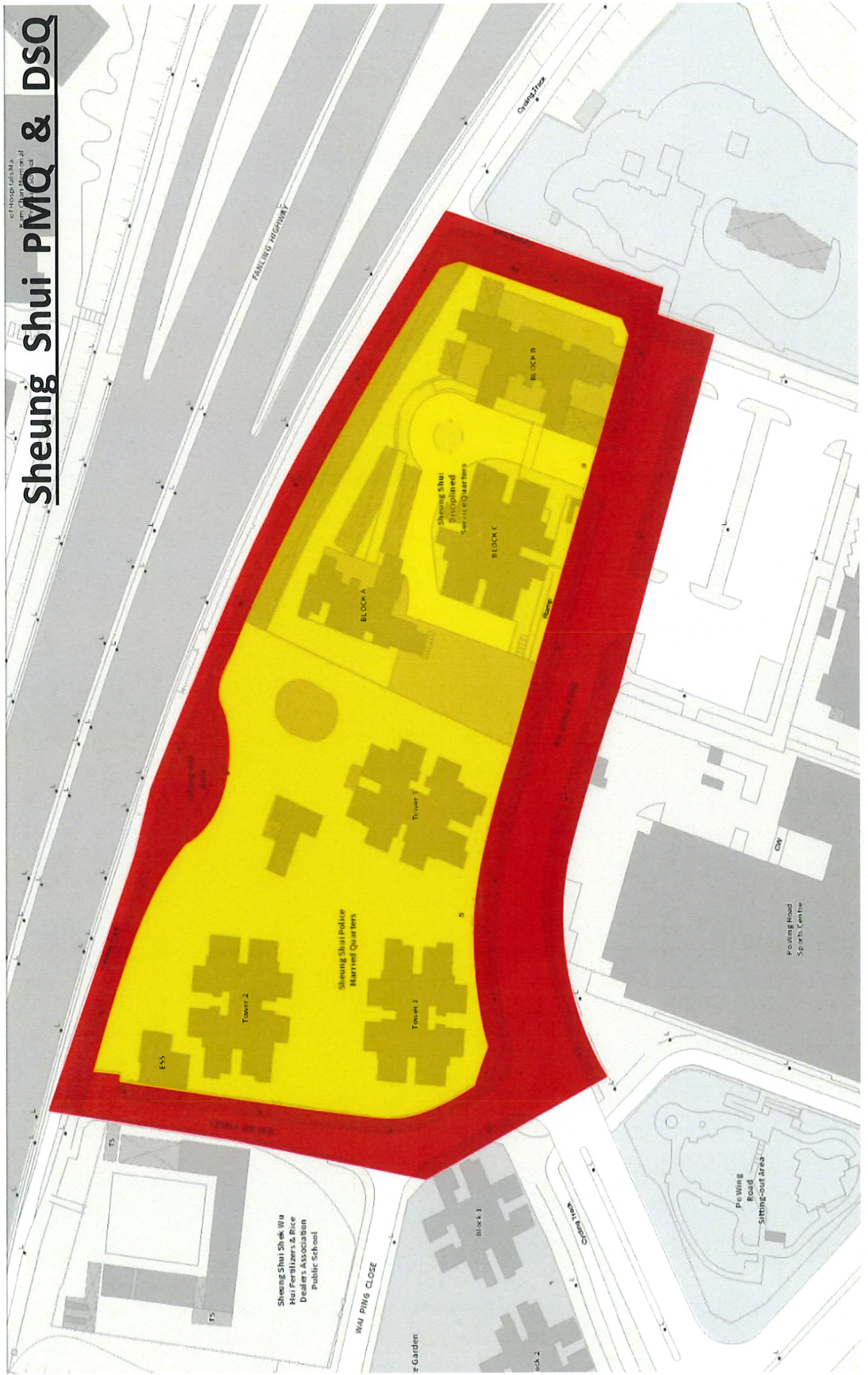
Old Bailey Street PMQ



Police College PMQ

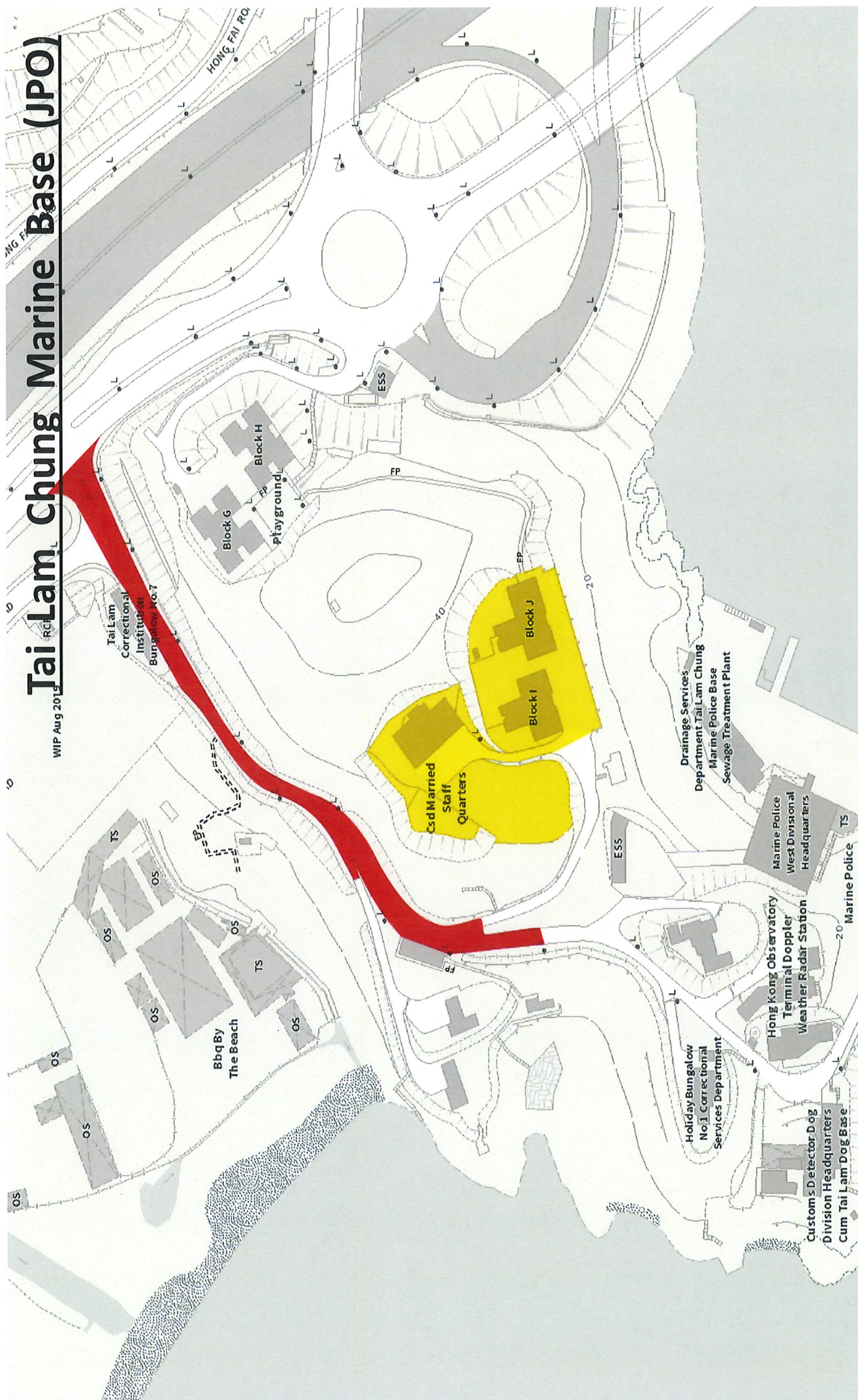


Sheung Shui PMQ & DSQ

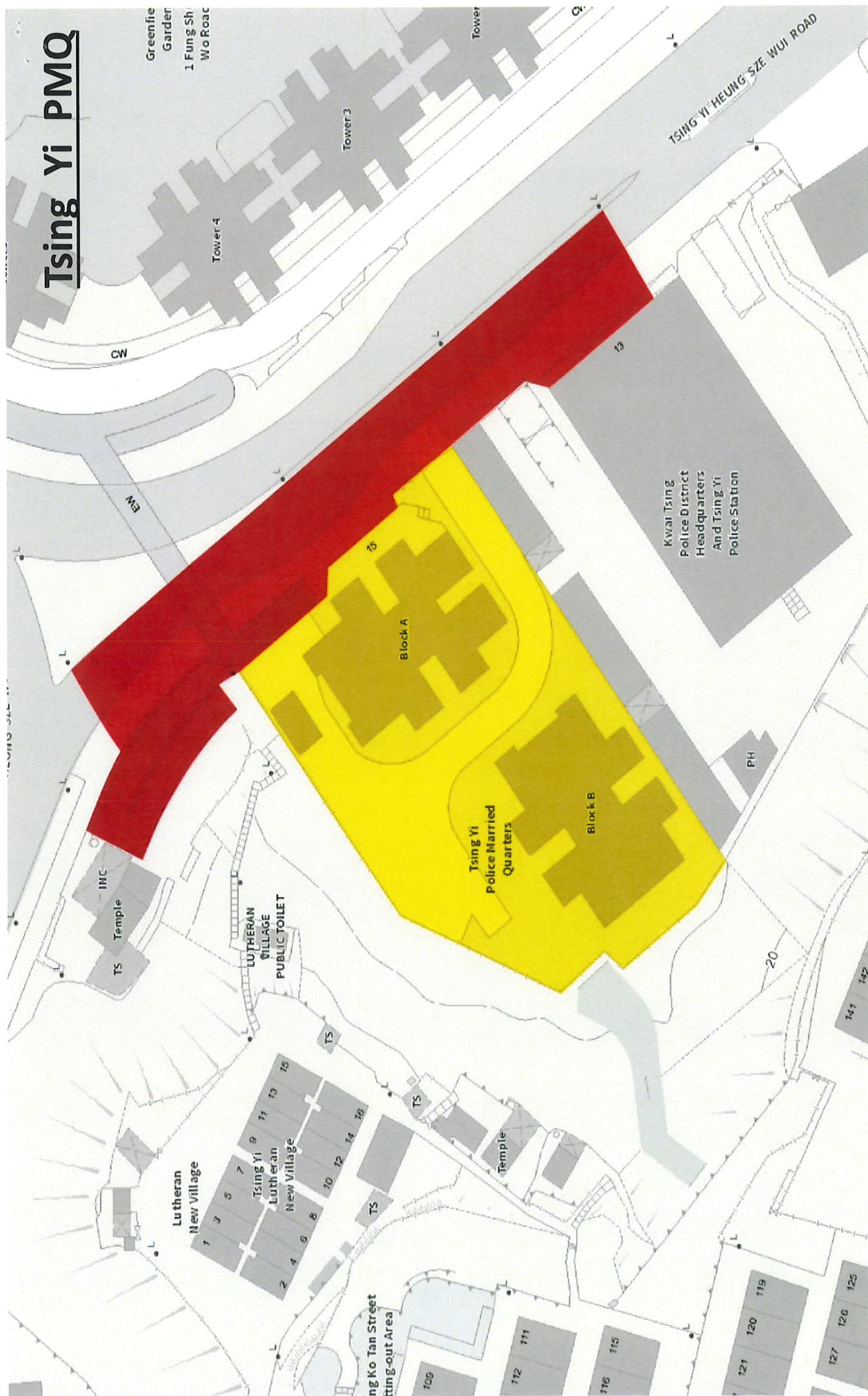


Tai Lam Chung Marine Base (JPO)

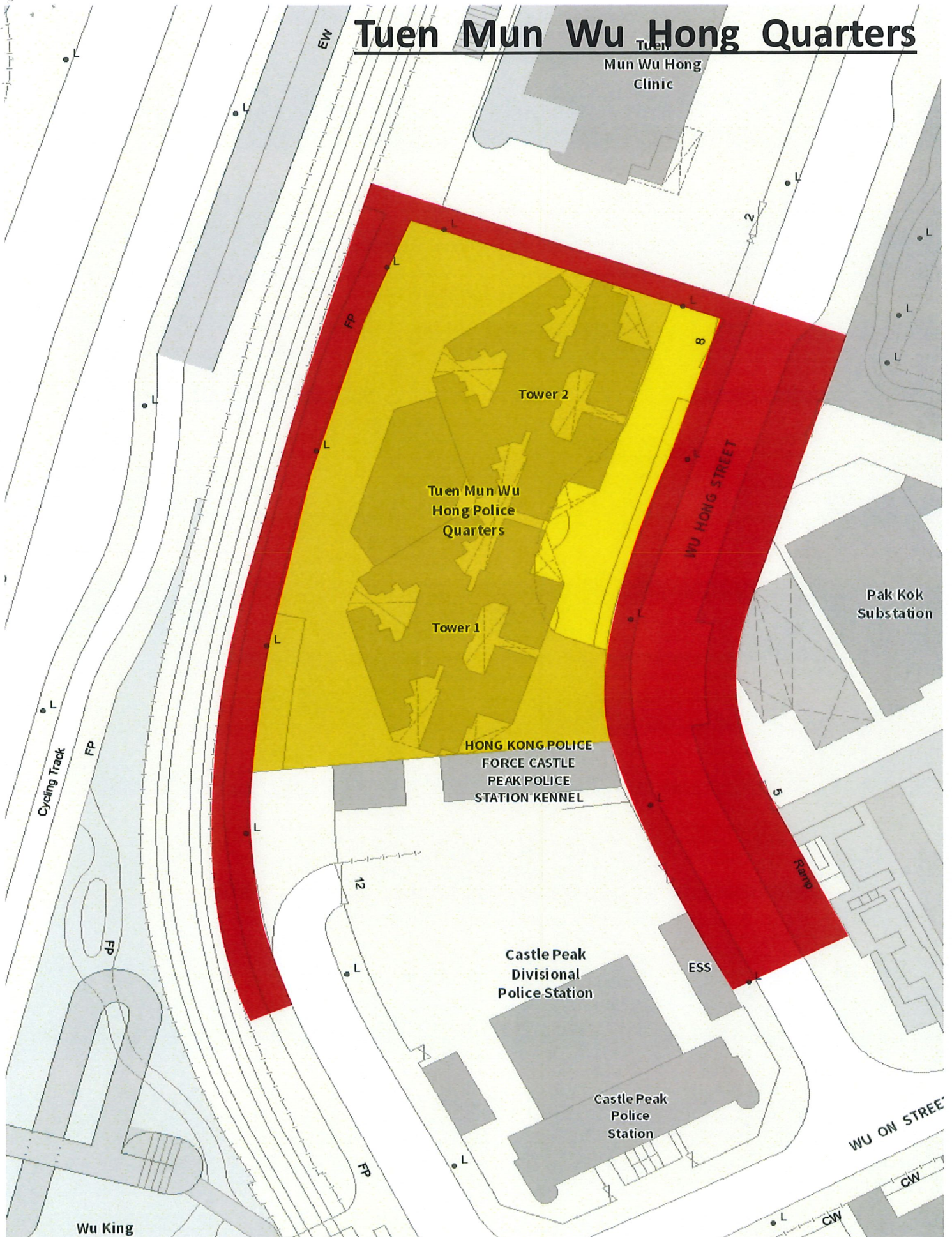
WIP Aug 2013



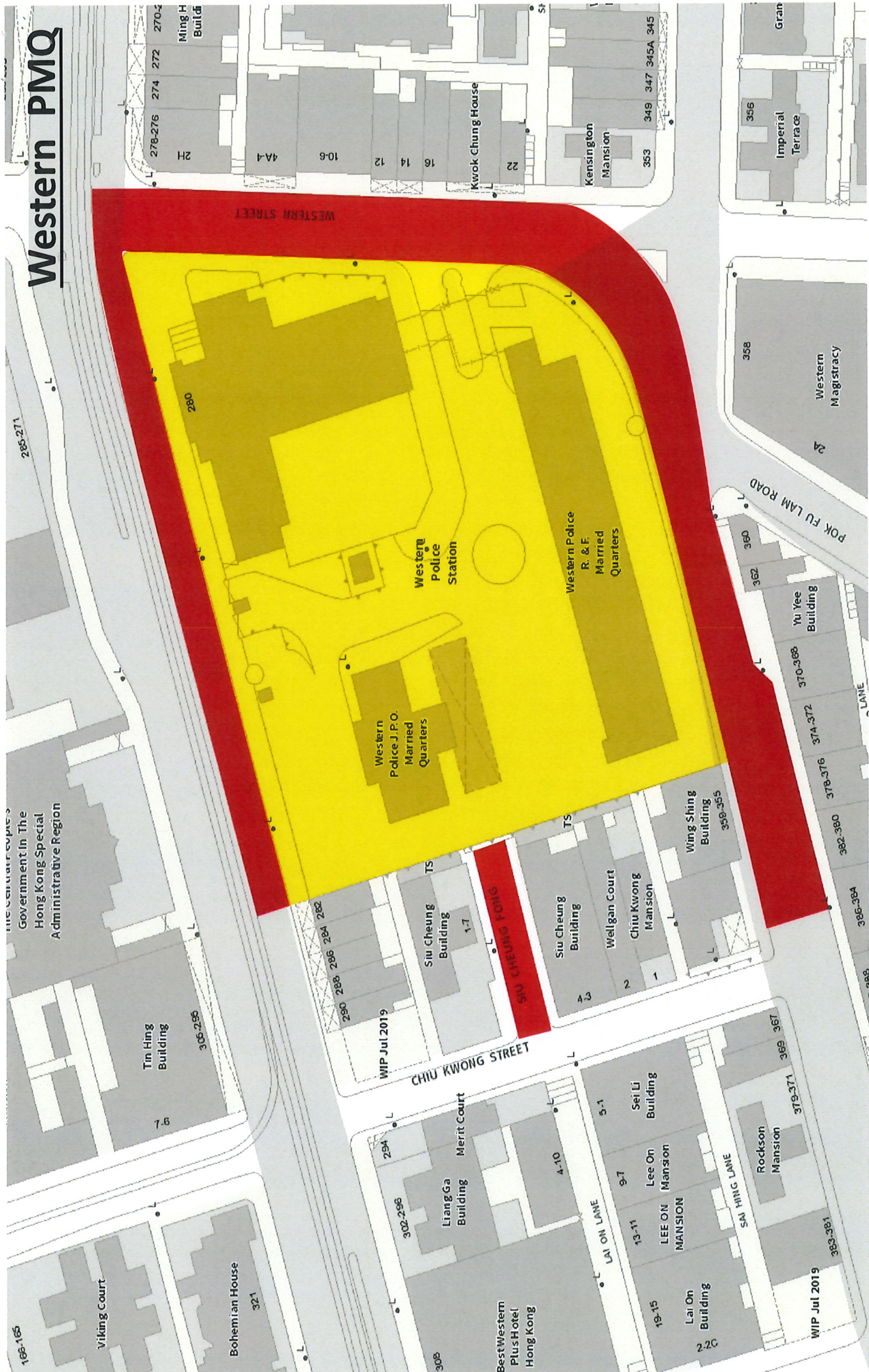
Tsing Yi PMQ



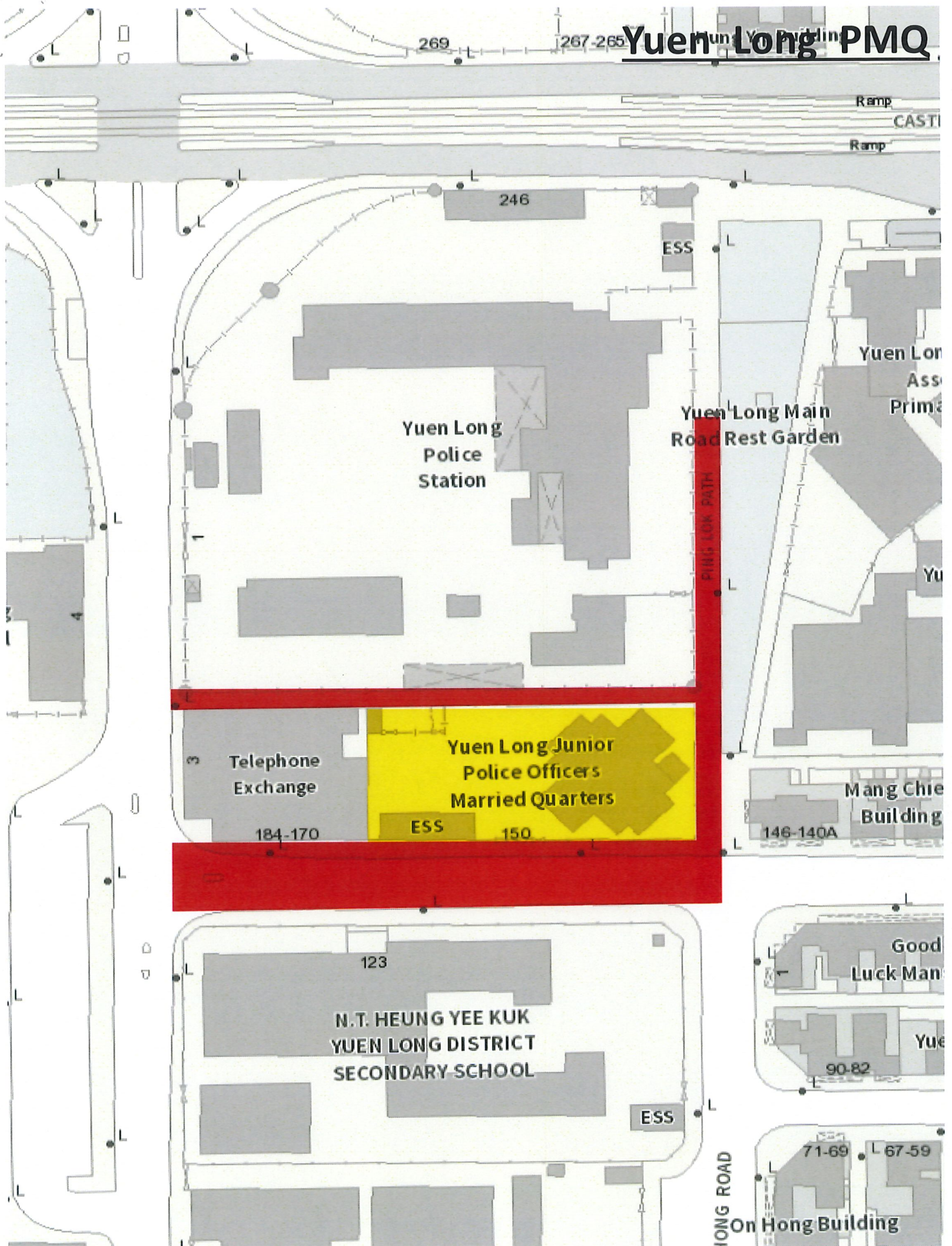
Tuen Mun Wu Hong Quarters



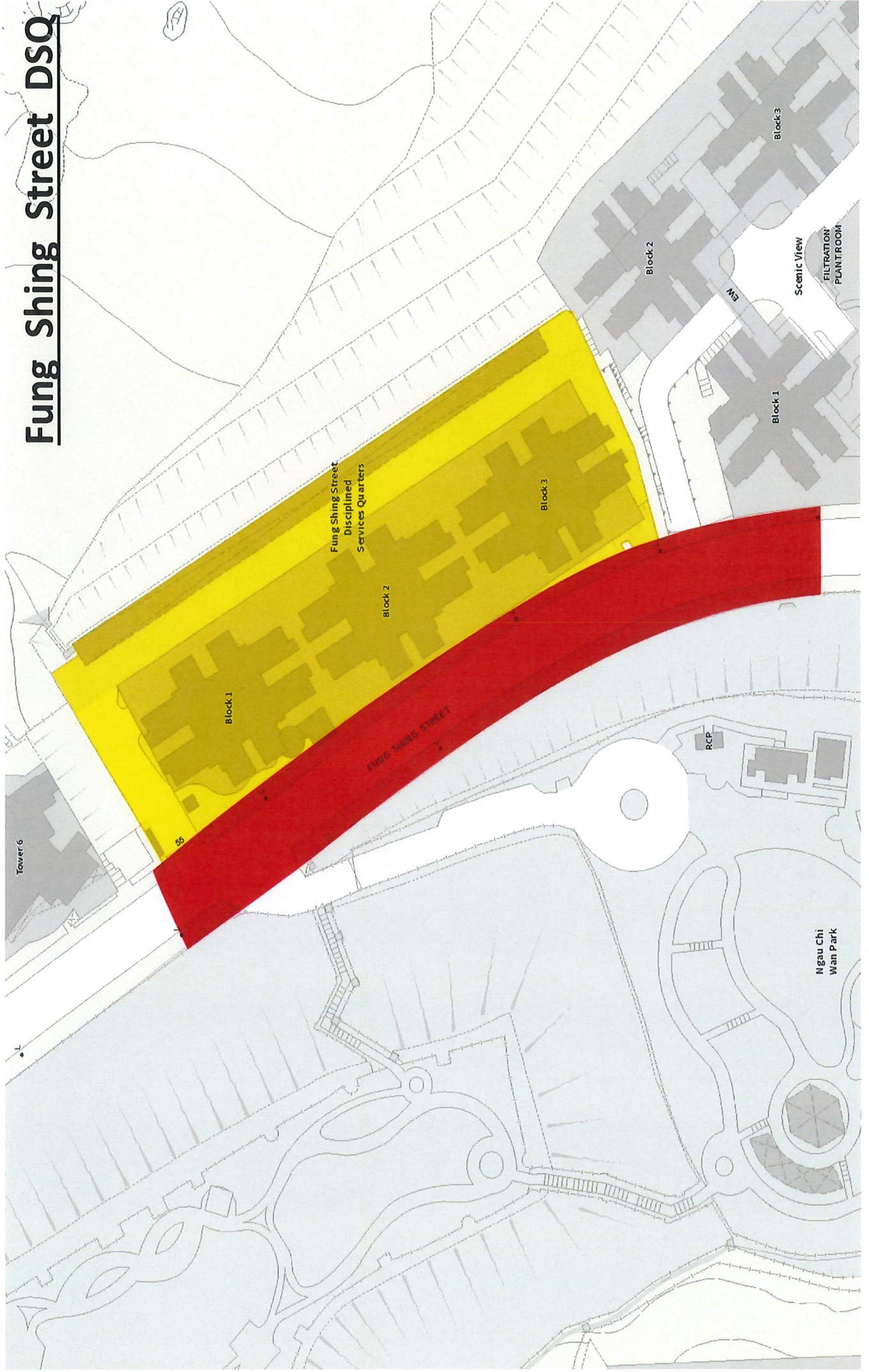
Western PMQ



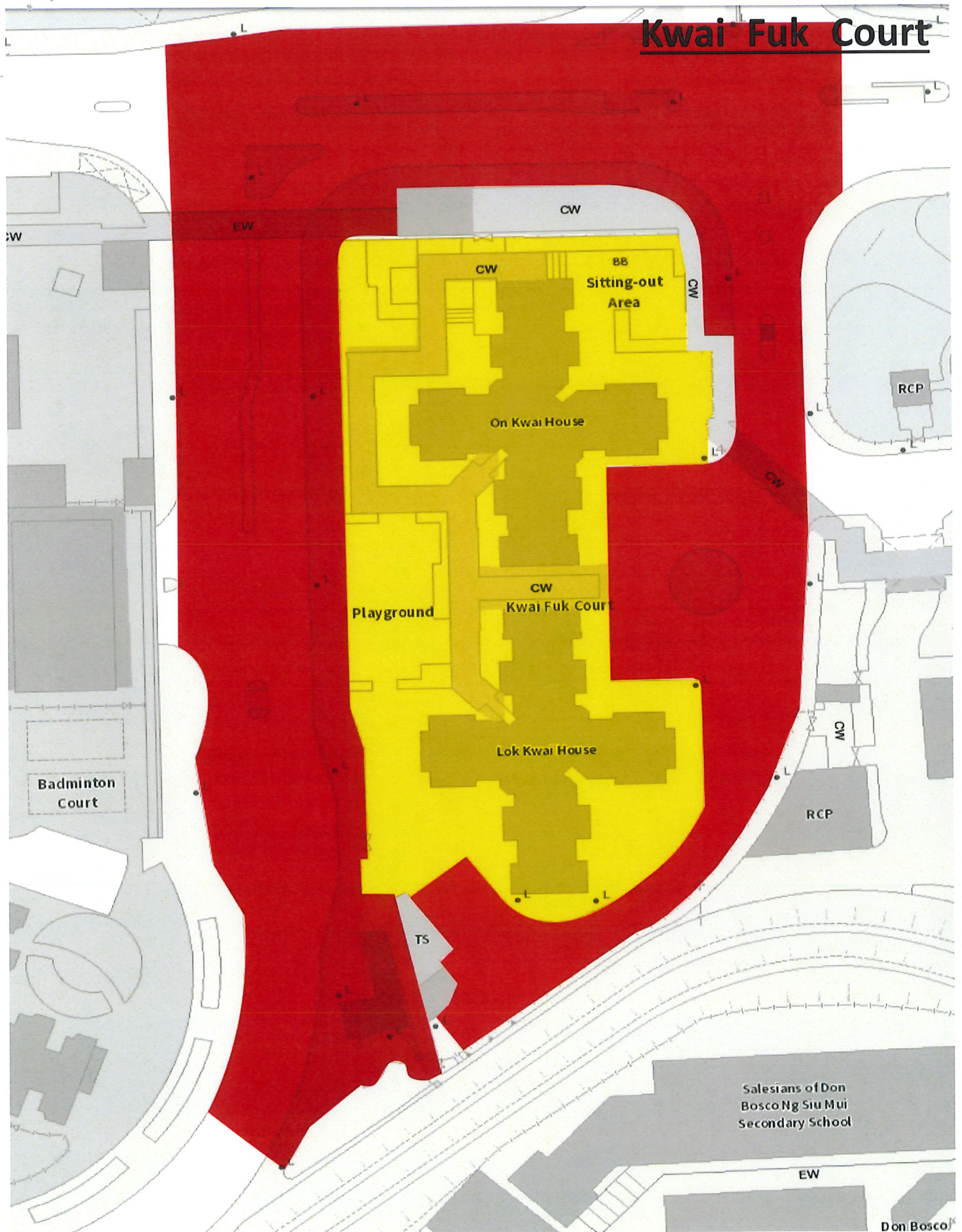
Yuen Long PMQ



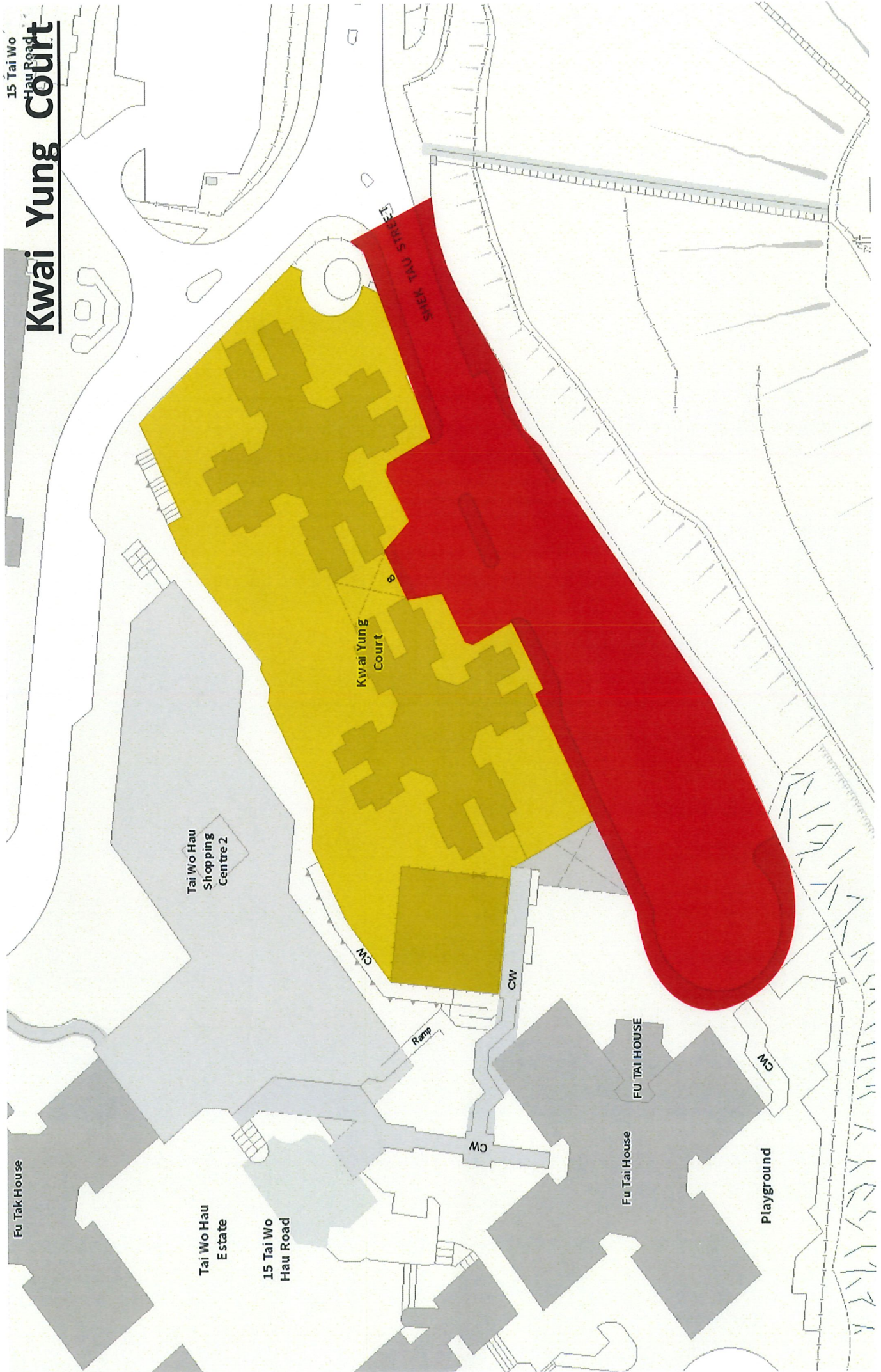
Fung Shing Street DSQ

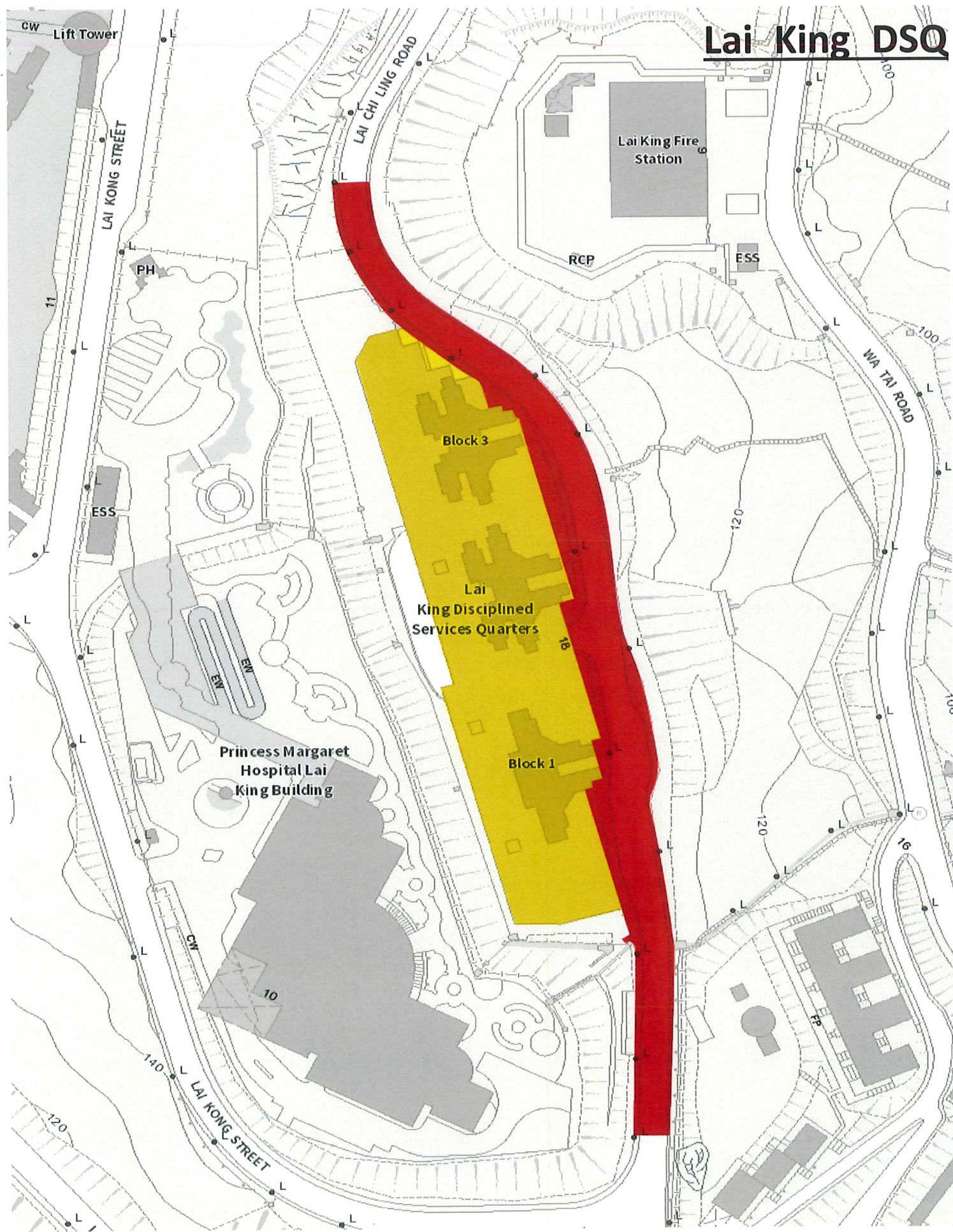


Kwai Fuk Court



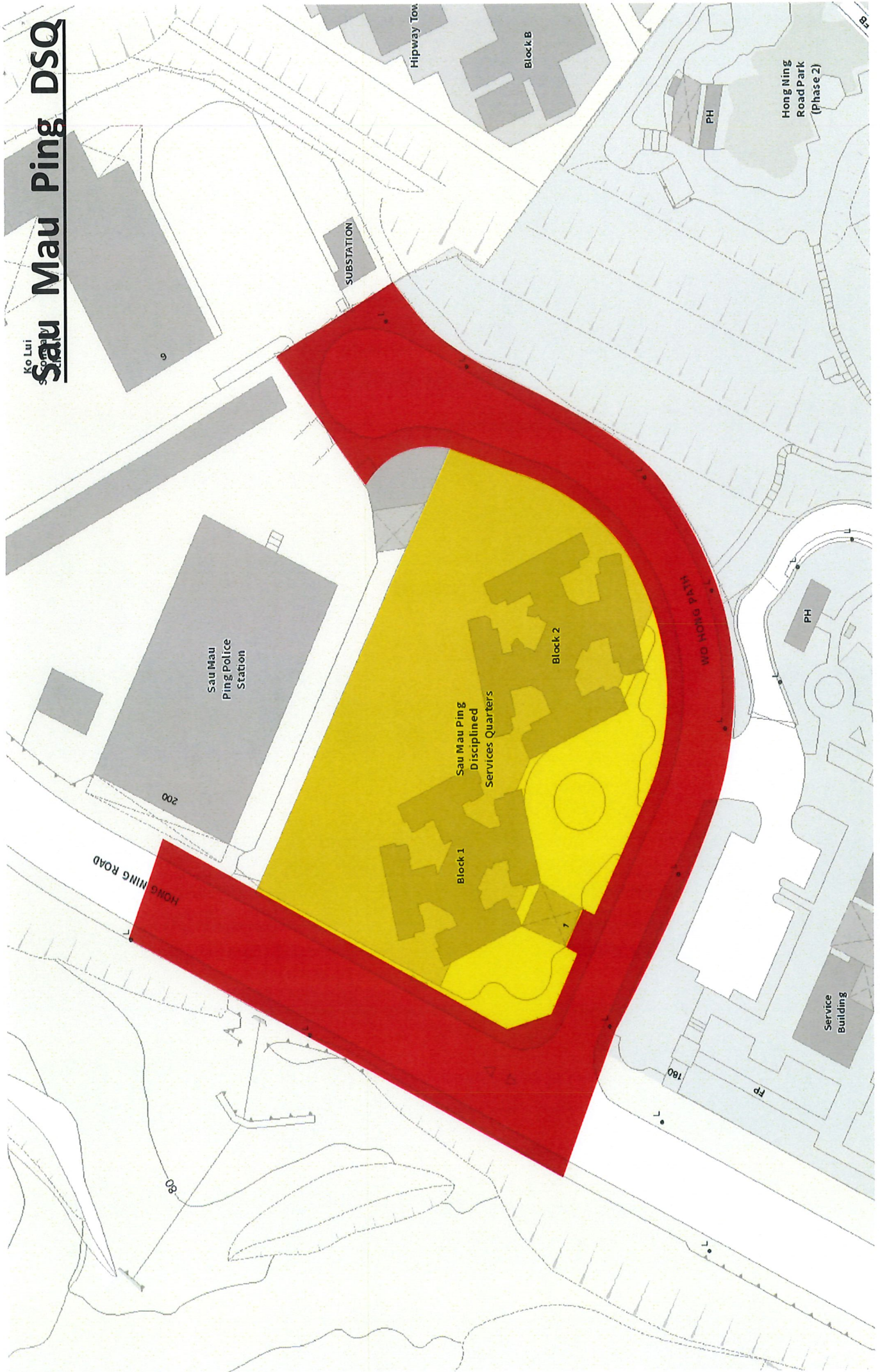
Kwai Yung Court



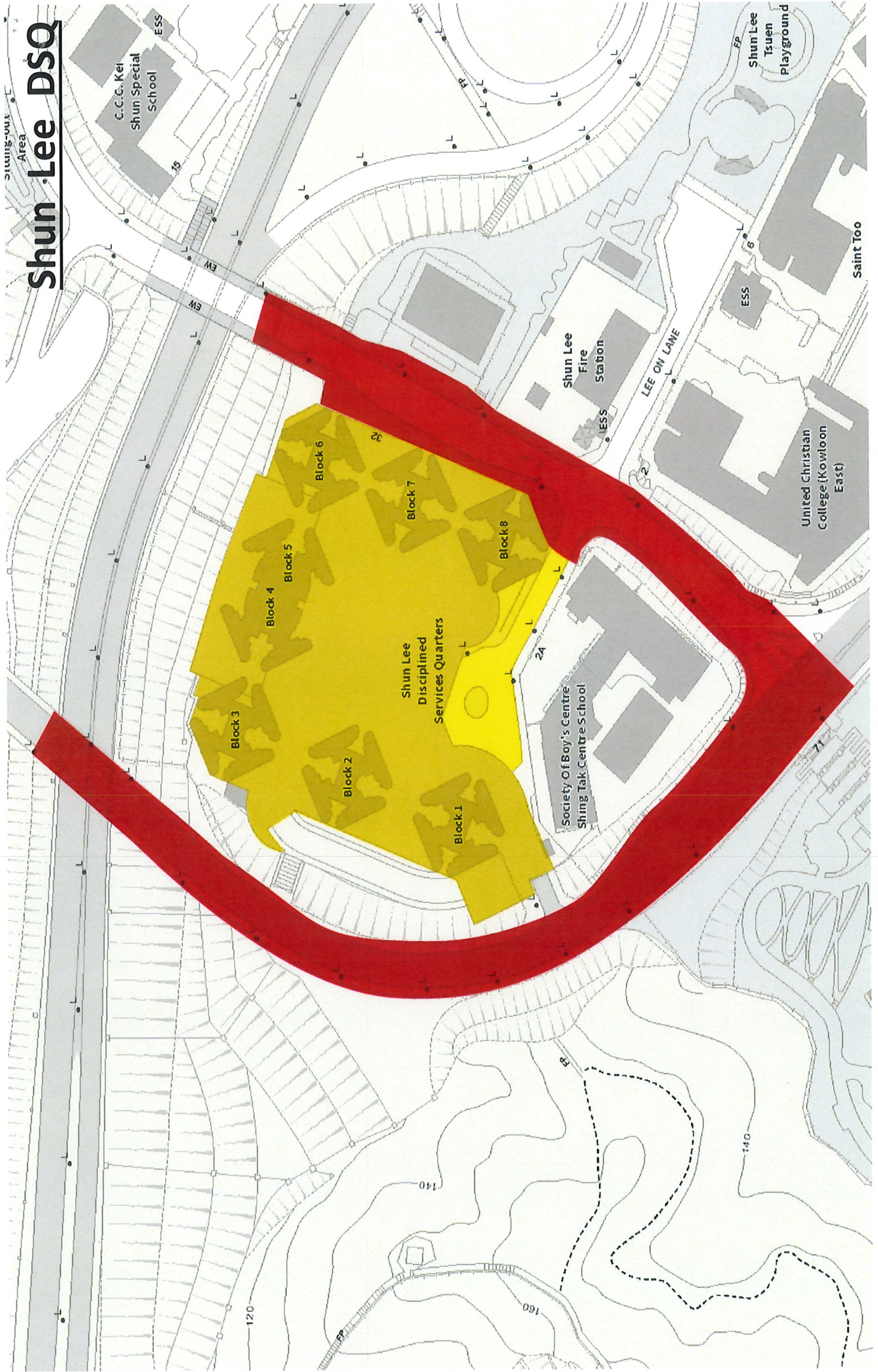


Lai King DSQ

Ko Lui
Sau Mau Ping DSQ



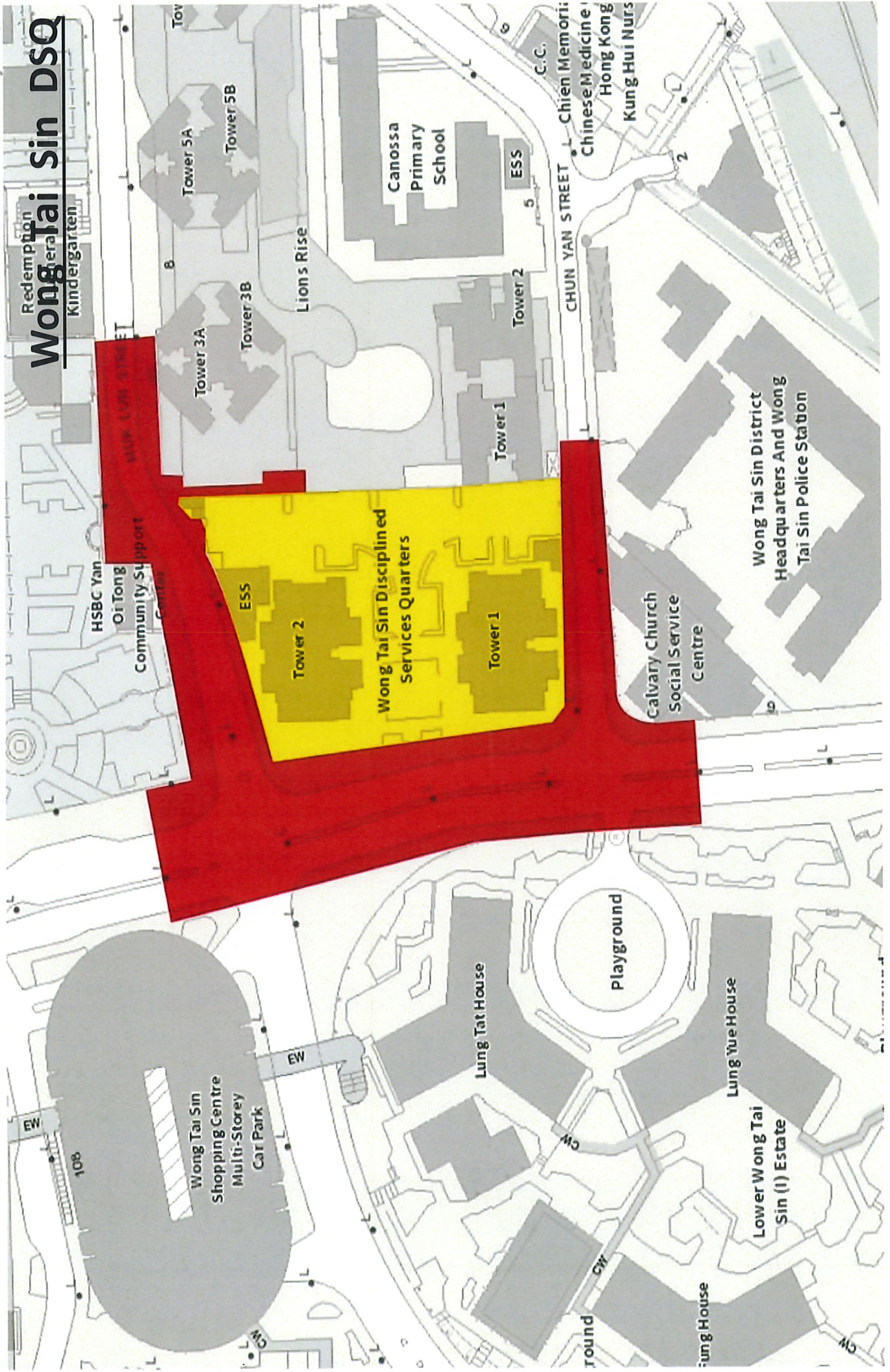
Shun Lee DSQ



West Kowloon DSQ



Wong Tai Sin DSQ



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Annex 2

Police Married Quarters (PMQs)

S/N	Quarters Name	Extension of the Enclosed Area
1	CASTLE PEAK GOVERNMENT QUARTERS	i) Leung Hong Lane ii) Section of San Fuk Road between Leung Shun Street and Tsing Chung Koon Road iii) Section of Tsing Chung Koon Road between San Fuk Road and LP FB6147
2	CHAI WAN PMQ*	i) Section of Tsui Wan Street leading to Chai Wan PMQ ii) Alley of Chai Wan PMQ up to LP 40844 iii) A section of Chai Wan Park adjacent to Chai Wan PMQ
3	OLD BAILEY STREET PMQ	i) Section of Old Bailey Street between Staunton Street and LP 21642 ii) Section of Stauton Street between Old Bailey Street and the alley of Old Bailey Street PMQ iii) Alley of Old Bailey Street PMQ
4	POLICE COLLEGE PMQ	Section of Police School Road between LP 36819 and LP 36824
5	SHEUNG SHUI PMQ	i) Wai Wo Street ii) Section of Po Wing Road between Wai Wo Street and cul-de-sac iii) Section of Cycling Track around the Sheung Shui PMQ and DSQ
6	TAI LAM CHUNG MARINE BASE (JPO)	Section of Ching Lai Road between Castle Peak Road (Tai Lam) and LP FB4417
7	TSING YI PMQ	Section of Tsing Yi Heung Sze Wui Road between LP W4109 and FC3534
8	TUEN MUN WU HONG POLICE QUARTERS	i) Section of Wu Hong Street between LP FA3042 and the alley of Tuen Mun Wu Hong PMQ ii) Alley of Tuen Mun Wu Hong PMQ iii) Section of pathway behind Tuen Mun Wu Hong PMQ between the alley of Tuen Mun Wu Hong PMQ and LP FA3049
9	WESTERN PMQ	i) Section of Des Voeux Road West between Western Street and LP 38345 ii) Section of Western Street between Des Voeux Road West and Queen's Road West iii) Section of Queen's Road West between Western Street and LP 34069 iv) Siu Cheung Fong
10	YUEN LONG PMQ	i) Section of Kau Yuk Road between Yuen Long Tai Yuk Road and Ping Lok Path ii) Section of Ping Lok Path between Kau Yuk Road and the alley of Yuen Long Police Station iii) Alley of Yuen Long Police Station

Disciplined Services Quarters (DSQs)

S/N	Quarters Name	Extension of the Enclosed Area
1	FUNG SHING STREET DSQ	Section of Fung Shing Street between LP AB0606 and LP CF2247
2	KO CHEUNG COURT	i) Section of Ko Chiu Road between LP E2540 and LP E2547 ii) Section of Ko Chiu Road between LP AB4651 and the vehicle entrance of Ko Cheung Court Car Park iii) Covered walkway of Ko Cheung Court
3	KWAI FUK COURT	i) Section of Sheung Kok Street between Tai Wo Hau Road and entrance of Kwai Fuk Court ii) Section of Tai Wo Hau Road between Sheung Kok Street and alley of Kwai Fuk Court Alley of Kwai Fuk Court iv) Area outside vehicle entrance of Kwai Fuk Court
4	KWAI YUNG COURT	Section of Shek Tau Street between LP FA6385 and cul-de-sac
5	LAI KING DSQ	Section of Lai Chi Ling Road between LP U7444 and LP U7519
6	SAU MAU PING DSQ	i) Section of Hong Ning Road between Wo Hong Path and LP E2133 ii) Wo Hong Path
7	SHEUNG SHUI DSQ	i) Wai Wo Street ii) Section of Po Wing Road between Wai Wo Street and cul-de-sac iii) Section of Cycling Track around the Sheung Shui PMQ and DSQ
8	SHUN LEE DSQ	i) Section of Lee On Road between New Clear Water Bay Road and LP K8436 ii) Section of New Clear Water Bay Road between Lee On Road and LP AB6211
9	WEST KOWLOON DSQ	i) Roundabout of Fuk Lee Street between LP AF2214 and AF2215 ii) Section of Sham Mong Road between LP BF2808 and LP BF3199
10	WONG TAI SIN DSQ	i) Section of Shatin Pass Road between LP AA6218 and LP AA6222 ii) Section of Muk Lun Street between Shatin Pass Road to LP AA4061 iii) Section of Chun Yan Street between Shatin Pass Road to LP AF0305
11	YAU MEI COURT	i) Section of Lei Yue Mun Road between the LP AA4576 and roundabout ii) Private Road of Yau Mei Court iii) Section of Ko Chiu Road between the roundabout of Lei Yue Mun Road and the private road of Yau Mei Court iv) Podium of Yau Mei Court

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HEREIN

2nd Defendants

ORDER

Dated this 14th day of October 2019

Filed on 15 OCT 2019

DEPARTMENT OF JUSTICE
6/F., Main Wing and East Wing, Justice Place
18 Lower Albert Road
Central, Hong Kong
Tel No.: 3918 4303; Fax No.: 3918 4525
(Ref.: HCA 1886/19)